

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,	:	
	:	
-v-	:	15 Cr. 95 (JPC)
	:	
	:	<u>ORDER</u>
DOUGLAS MCLARTY,	:	
	:	
Defendant.	:	
-----X	:	

JOHN P. CRONAN, United States District Judge:

On August 19, 2022, the Government and Defendant Douglas McLarty appeared for a hearing on his alleged violation of supervised release (“VOSR”) before the Honorable Paul G. Gardephe in *United States v. Douglas McLarty*, No. 15 Cr. 593 (PGG). At that hearing, Defendant pleaded guilty to Specification 1 for which Judge Gardephe sentenced Defendant to an 18-month term of imprisonment to run consecutively to the 115-month term of imprisonment imposed by the Honorable Analisa Torres in *United States v. Douglas McLarty*, No. 21 Cr. 498 (AT). At the August 19 proceeding before Judge Gardephe, the Government dismissed Specifications 2 and 3. On August 22, 2022, the undersigned directed the Government and Defendant to submit a letter by August 29, 2022, advising the Court on how they intend to proceed as to the pending Specifications in connection with Defendant’s alleged VOSR in the above-captioned action. Dkt. 3394.

On August 29, 2022, the Government filed a letter advising the Court that “[t]he defense expects the defendant to admit to Specification 1 in this matter, and the Government intends to move to dismiss Specifications 2 and 3 following the conclusion of sentencing.” Dkt. 3396. In addition, “[t]he parties further request[ed] that the Court schedule a court appearance in this matter

for the purpose of resolving the pending violations of supervised release, at which time the parties are prepared to proceed with both an admission to Specification 1 and sentencing.” *Id.* Based on the Government’s letter, the Court scheduled a hearing for September 7, 2022, at 2:00 p.m., Dkt. 3397, and directed the parties to file any written submissions in advance of the September 7 proceeding, including their views as to a recommended sentence, by September 6, 2022, Dkt. 3401.


On September 1, 2022, Anthony L. Ricco, counsel for Defendant in Nos. 15 Cr. 593 and 21 Cr. 498, filed a letter advising the Court that he is “not the attorney of record in the above-referenced matter pending before [the undersigned], as [he] ha[s] neither been retained by Douglas McLarty to represent him in this matter, nor ha[s] [he] filed a Notice of Appearance with the Court.” Dkt. 3402 at 1. Mr. Ricco also advised the Court that “[t]he docket sheet indicates that the attorney of record for Douglas McLarty in this criminal matter is Julie Brain, Esq., who was appointed pursuant to the Criminal Justice Act.” *Id.* at 2. The Court notes that, while Mr. Ricco is listed on the docket sheet as one of Defendant’s attorneys in this action, it seems that he first appeared on behalf of Defendant in this action on July 28, 2022, around the time of Defendant’s VOSR proceeding before Judge Gardephe. *See* Dkts. 3388, 3389. The Court also notes that Ms. Brain has not been relieved from this action and remains an attorney of record for Defendant as reflected on the docket.

Accordingly, it is hereby ORDERED that, by September 9, 2022, Ms. Julie Brain shall advise the Court as to whether there is any reason why she should not continue to represent Defendant in connection with the alleged VOSR in this action. In that letter, Ms. Brain shall also advise the Court as to whether a new CJA appointment is necessary and, if so, effective as of what date.

The hearing on Defendant Douglas McLarty's alleged VOSR currently scheduled for September 7, 2022, at 2:00 p.m. is adjourned *sine die*. The Court will reschedule that hearing after it resolves the issue involving Defendant's representation.

SO ORDERED.

Dated: September 1, 2022
New York, New York



JOHN P. CRONAN
United States District Judge